



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER

P.O. Box 402

TRENTON, NJ 08625-0402

CHRIS CHRISTIE

Governor

BOB MARTIN

Commissioner

KIM GUADAGNO

Lt. Governor

November 15, 2010

Gina McCarthy, Assistant Administrator
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 6101A
Washington, DC 20460

Dear Assistant Administrator McCarthy:

Thank you for your letter dated November 10, 2010, which provides an update on the status of the United States Environmental Protection Agency's (EPA) review of New Jersey's petitions under Section 126 of the Clean Air Act (Act). The petitions raise an issue of critical concern to New Jersey – the public health and welfare impacts that emissions from the Portland Generating Station, located in Mount Bethel Township, Pennsylvania, on the Pennsylvania-New Jersey border, are having on New Jersey, particularly Knowlton Township and Warren County.

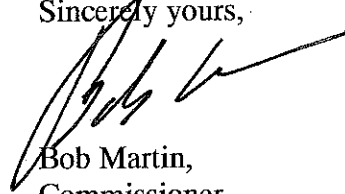
The Act requires agency action on a petition submitted under Section 126 of the Act within 60 days of receipt of the petition. 42 U.S.C. § 7416(b). The Act allows the agency to extend this deadline by not more than six months. 42 U.S.C. § 7607(d)(10). New Jersey had hoped that EPA would act within the 60-day timeframe on the September 2010 petition as the Clean Air Act requires. Nevertheless, New Jersey is pleased that EPA plans to issue a proposed response to the second petition in February 2011, and expects that the EPA will issue its final determination within the statutorily required timeframe.

I also want to thank you for honoring our request to hold a hearing in New Jersey. We request that EPA hold the public hearing in Warren County, New Jersey, and is happy to assist EPA to identify a suitable location. Warren County is situated across the Delaware River, east of the Portland power plant. Because Warren County bears the disproportionate impact of the plant's dirty emissions, New Jersey believes that EPA should hear from the most directly affected public as it considers the petitions. As the petitions make clear, this Pennsylvania plant's emissions impact New Jersey, adversely affecting New Jersey's residents, natural resources, and environment. We therefore urge EPA to act quickly on the petitions so that the interstate air pollution from this plant finally may be abated. Such action, New Jersey believes,

is mandated by the Clean Air Act and indeed, is at the core of EPA's responsibility to protect our air quality for our people's health and environment.

Please feel free to contact Angelene Taccini at (609) 292-2994 to schedule a public hearing as quickly as possible. Although New Jersey is pleased that EPA recognizes the importance of the issues raised by the petitions, only prompt action will help clean the air that the people in Knowlton Township and Warren County breathe and keep the streams, lakes and land free of the pollution emitted from the Portland plant.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Bob Martin', written over the typed name.

Bob Martin,
Commissioner

c: Judith Enck, EPA
Shawn M. Gravin, EPA
Nancy Wittenberg, Assistant Commissioner
William O'Sullivan, Director
Chris Salmi, Assistant Director
Kevin Auerbacher, Deputy Attorney General